



HOUSE BILL No. 1436

DIGEST OF HB 1436 (Updated February 5, 2004 8:38 pm - DI 51)

Citations Affected: IC 4-13; IC 4-33; IC 33-11.6; IC 33-19; noncode.

Synopsis: Women and minority businesses. Provides that standards developed and a certification made under the minority business enterprise law apply to standards and certifications for minority business enterprises and women's business enterprises under any other Indiana law. Makes changes in definitions in the minority business enterprise law. Makes conforming changes in the riverboat gambling law. Specifies that riverboat owners must annually file information regarding contracts with minority and women's businesses and specifies that this information is not confidential under the public records laws. Requires each state agency, separate body corporate and politic, and state educational institution to analyze of the use of minority businesses, small businesses and women owned business enterprises in the contracting done by the agency, separate body, or educational institution. Imposes an additional court fee for deposit in the public defense fund.

Effective: July 1, 2004; July 1, 2005.

Crawford

January 20, 2004, read first time and referred to Committee on Appointments and Claims. January 29, 2004, amended, reported — Do Pass. February 4, 2004, read second time, amended, ordered engrossed. February 5, 2004, engrossed. Read third time, recommitted to Committee of One, amended; passed. Yeas 72, nays 23.



Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1436

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

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SECTION 1. IC 4-13-16.5-1, AS AMENDED BY P.L.195-2001
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2004]: Sec. 1. As used in this chapter:

"Commission" refers to the governor's commission on minority and women's business enterprises established under section 2 of this chapter.

"Commissioner" refers to the deputy commissioner for minority and women's business enterprises of the department.

"Contract" means any contract awarded by a state agency for construction projects or the procurement of goods or services, including professional services.

"Department" refers to the Indiana department of administration established by IC 4-13-1-2.

"Minority business enterprise" or "minority business" means an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

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1	(1) United States citizens; and
2	(2) members of a minority group.
3	"Owned and controlled" means having:
4	(1) ownership of at least fifty-one percent (51%) of the enterprise,
5	including corporate stock of a corporation;
6	(2) control over the management and active in the day-to-day
7	operations of the business; and
8	(3) an interest in the capital, assets, and profits and losses of the
9	business proportionate to the percentage of ownership.
10	"Minority group" means:
11	(1) Blacks;
12	(2) American Indians;
13	(3) Hispanics;
14	(4) Asian Americans; and
15	(5) other similar minority groups, as defined by 13 CFR 124.103.
16	"Separate body corporate and politic" refers to an entity
17	established by the general assembly as a body corporate and
18	politic.
19	"State agency" refers to any of the following:
20	(1) An authority, board, branch, commission, committee,
21	department, division, or other instrumentality of the executive,
22	including the administrative, department of state government.
23	(2) An entity established by the general assembly as a body
24	corporate and politic.
25	(3) A "State educational institution" has the meaning set forth
26	in IC 20-12-0.5-1.
27	The term does not include the state lottery commission or the Indiana
28	gaming commission with respect to setting and enforcing goals for
29	awarding contracts to minority and women's business enterprises.
30	SECTION 2. IC 4-13-16.5-2, AS AMENDED BY P.L.41-2003,
31	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32	JULY 1, 2004]: Sec. 2. (a) There is established a governor's
33	commission on minority and women's business enterprises. The
34	commission shall consist of the following members:
35	(1) A governor's designee, who shall serve as chairman of the
36	commission.
37	(2) The commissioner of the Indiana department of transportation.
38	(3) The director of the department of commerce.
39	(4) The commissioner of the department.
40	(5) Nine (9) individuals with demonstrated capabilities in
41	business and industry, especially minority and women's business
12	enternrises annointed by the governor from the following



1	geographical areas of the state:
2	(A) Three (3) from the northern one-third (1/3) of the state.
3	(B) Three (3) from the central one-third (1/3) of the state.
4	(C) Three (3) from the southern one-third (1/3) of the state.
5	(6) Two (2) members of the house of representatives, no more
6	than one (1) from the same political party, appointed by the
7	speaker of the house of representatives to serve in a nonvoting
8	advisory capacity.
9	(7) Two (2) members of the senate, no more than one (1) from the
10	same political party, appointed by the president pro tempore of
11	the senate to serve in a nonvoting advisory capacity.
12	Not more than six (6) of the ten (10) members appointed or designated
13	by the governor may be of the same political party. Appointed members
14	of the commission shall serve four (4) year terms. A vacancy occurs if
15	a legislative member leaves office for any reason. Any vacancy on the
16	commission shall be filled in the same manner as the original
17	appointment.
18	(b) Each member of the commission who is not a state employee is
19	entitled to the following:
20	(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
21	(2) Reimbursement for traveling expenses and other expenses
22	actually incurred in connection with the member's duties as
23	provided under IC 4-13-1-4 and in the state travel policies and
24	procedures established by the Indiana department of
25	administration and approved by the budget agency.
26	(c) Each legislative member of the commission is entitled to receive
27	the same per diem, mileage, and travel allowances established by the
28	legislative council and paid to members of the general assembly
29	serving on interim study committees. The allowances specified in this
30	subsection shall be paid by the legislative services agency from the
31	amounts appropriated for that purpose.
32	(d) A member of the commission who is a state employee but who
33	is not a member of the general assembly is not entitled to any of the
34	following:
35	(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
36	(2) Reimbursement for traveling expenses as provided under
37	IC 4-13-1-4.
38	(3) Other expenses actually incurred in connection with the
39	member's duties.
40	(e) The commission shall meet at least four (4) times each year and
41	at other times as the chairman deems necessary.
42	(f) The duties of the commission shall include but not be limited to



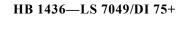
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1	the following:	
2	(1) Identify minority and women's business enterprises in the	
3	state.	
4	(2) Assess the needs of minority and women's business	
5	enterprises.	
6	(3) Initiate aggressive programs to assist minority and women's	
7	business enterprises in obtaining state contracts.	
8	(4) Give special publicity to procurement, bidding, and qualifying	
9	procedures.	
10	(5) Include minority and women's business enterprises on	
11	solicitation mailing lists.	
12	(6) Define the duties, goals, and objectives of the deputy	
13	commissioner of the department as created under this chapter to	
14	assure compliance by all state agencies, separate bodies	
15	corporate and politic, and state educational institutions with	
16	state and federal legislation and policy concerning the awarding	
17	of contracts to minority and women's business enterprises.	
18	(7) Establish annual goals:	
19	(A) for the use of minority and women's business enterprises;	
20	and	
21	(B) derived from a statistical analysis of utilization study of	
22	state contracts that are required to be updated every five (5)	
23	years.	
24	(8) Prepare a review of the commission and the various affected	
25	departments of government to be submitted to the governor and	
26	the legislative council on March 1 and October 1 of each year,	,
27	evaluating progress made in the areas defined in this subsection.	
28	(g) The department shall adopt rules of ethics under IC 4-22-2 for	
29	commission members other than commission members appointed	
30	under subsection $(a)(6)$ or $(a)(7)$.	
31	(h) The department shall furnish administrative support and staff as	
32	is necessary for the effective operation of the commission.	
33	SECTION 3. IC 4-13-16.5-3, AS AMENDED BY P.L.195-2001,	
34	SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
35	JULY 1, 2004]: Sec. 3. (a) There is created in the department a deputy	
36	commissioner for minority and women's business enterprise	
37	development. Upon consultation with the commission, the	

commissioner of the department, with the approval of the governor,

shall appoint an individual who possesses demonstrated capability in

business or industry, especially in minority or women's business enterprises, to serve as deputy commissioner to work with the

commission in the implementation of this chapter.





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1	(b) The deputy commissioner shall do the following:
2	(1) Identify and certify minority and women's business enterprises
3	for state projects.
4	(2) Establish a central certification file.
5	(3) Periodically update the certification status of each minority or
6	women's business enterprise.
7	(4) Monitor the progress in achieving the goals established under
8	section $2(f)(7)$ of this chapter.
9	(5) Require all state agencies, separate bodies corporate and
10	politic, and state educational institutions to report on planned
11	and actual participation of minority and women's business
12	enterprises in contracts awarded by state agencies. The
13	commissioner may exclude from the reports uncertified minority
14	and women's business enterprises.
15	(6) Determine and define opportunities for minority and women's
16	business participation in contracts awarded by all state agencies,
17	separate bodies corporate and politic, and state educational
18	institutions.
19	(7) Implement programs initiated by the commission under
20	section 2 of this chapter.
21	(8) Perform other duties as defined by the commission or by the
22	commissioner of the department.
23	SECTION 4. IC 4-13-16.5-6 IS ADDED TO THE INDIANA CODE
24	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25	1, 2004]: Sec. 6. (a) Notwithstanding any other law, the standards
26	developed under this chapter apply to the determination and
27	certification of a business as a minority business enterprise or a
28	women's business enterprise under any Indiana law.
29	(b) Notwithstanding any other law, a certification of a business
30	as a minority business enterprise or a women's business enterprise
31	under this chapter satisfies any Indiana law providing for or
32	requiring the certification of a business as a minority business
33	enterprise or a women's business enterprise.
34	SECTION 5. IC 4-33-14-5, AS AMENDED BY P.L.92-2003,
35	SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36	JULY 1, 2004]: Sec. 5. (a) As used in this section, "goods and services"
37	does not include the following:
38	(1) Utilities and taxes.
39	(2) Financing costs, mortgages, loans, or other debt.
40	(3) Medical insurance.
41	(4) Fees and payments to a parent or an affiliated company of an
42	operating agent or the person holding an owner's license, other



1	than fees and payments for goods and services supplied by	
2	nonaffiliated persons through an affiliated company for the use or	
3	benefit of the operating agent or the person holding the owner's	
4	license.	
5	(5) Rents paid for real property or payments constituting the price	
6	of an interest in real property as a result of a real estate	
7	transaction.	
8	(b) Notwithstanding any law or rule to the contrary, the commission	
9	shall establish annual goals for an operating agent or a person issued	
10	an owner's license:	
11	(1) for the use of minority and women's business enterprises; and	
12	(2) derived from a statistical analysis of utilization study of	
13	licensee and operating agent contracts for goods and services that	
14	are required to be updated every five (5) years.	
15	(c) An operating agent or a person holding an owner's license shall	
16	submit annually to the commission a report that includes the following	
17	information:	,
18	(1) The total dollar value of contracts awarded for goods or	
19	services and the percentage awarded to minority and women's	
20	business enterprises.	
21	(2) The following information relating to each minority	
22	business enterprise or women's business enterprise awarded	
23	a contract for goods or services:	
24	(A) The name.	
25	(B) The address.	
26	(C) The total dollar amount of the contract.	_
27	A record containing information described in this subsection is not	\
28	exempt from the disclosure requirements of IC 5-14-3-3 under	
29	IC 5-14-3-4.	
30	(c) (d) An operating agent or a person holding an owner's license	
31	shall make a good faith effort to meet the requirements of this section	
32	and shall annually demonstrate to the commission that an effort was	
33	made to meet the requirements.	
34	(d) (e) An operating agent or a person holding an owner's license	
35	may fulfill not more than seventy percent (70%) of an obligation under	
36	this chapter by requiring a vendor to set aside a part of a contract for	
37	minority or women's business enterprises. Upon request, the licensee	
38	or operating agent shall provide the commission with proof of the	
39	amount of the set aside.	
40	SECTION 6. IC 4-33-14-7 IS AMENDED TO READ AS	
41	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. The commission	

shall establish and administer a unified certification procedure use the



certifications made under IC 4-13-16.5 for minority and women's business enterprises that do business with riverboat operations on contracts for goods and services or contracts for business.

SECTION 7. IC 4-33-14-8, AS AMENDED BY P.L.92-2003, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. The commission shall supply persons holding owner's licenses and the operating agent with a list of the **certified** minority and women's business enterprises. the commission has certified under section 7 of this chapter. The commission shall review the list annually to determine the minority and women's business enterprises that should continue to be certified. The commission shall establish a procedure for challenging the designation of a certified minority and women's business enterprise. The procedure must include proper notice and a hearing for all parties concerned.

SECTION 8. IC 33-11.6-4-15, AS AMENDED BY P.L.141-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The costs consist of **the following:**

- (1) A township docket fee equal to five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-19-5-2.
- (2) Bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.
- (3) The cost for the personal service of process by the bailiff or other process server in the amount of thirteen dollars (\$13) for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-19-1-6 to be taxed and charged in the circuit court of the county.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-19-6-18.1.
- (7) An automated record keeping fee under IC 33-19-6-19. and
- (8) A late fee, if any, under IC 33-19-6-20.
- (9) A judicial administration fee under IC 33-19-6-19.2.

The docket fee and the cost for the initial service of process shall be paid upon the institution of each case. The cost of service rendered subsequent to the initial service shall be assessed and paid after such service has been made, and the cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 9. IC 33-19-5-1, AS AMENDED BY P.L.1-2002, SECTION 133, IS AMENDED TO READ AS FOLLOWS









1	[EFFECTIVE JULY 1, 2004]: Sec. 1. (a) For each action that results in
2	a felony conviction under IC 35-50-2 or a misdemeanor conviction
3	under IC 35-50-3, the clerk shall collect from the defendant a criminal
4	costs fee of one hundred twenty dollars (\$120).
5	(b) In addition to the criminal costs fee collected under this section,
6	the clerk shall collect from the defendant the following fees if they are
7	required under IC 33-19-6:
8	(1) A document fee.
9	(2) A marijuana eradication program fee.
10	(3) An alcohol and drug services program user fee.
11	(4) A law enforcement continuing education program fee.
12	(5) A drug abuse, prosecution, interdiction, and correction fee.
13	(6) An alcohol and drug countermeasures fee.
14	(7) A child abuse prevention fee.
15	(8) A domestic violence prevention and treatment fee.
16	(9) A highway work zone fee.
17	(10) A deferred prosecution fee (IC 33-19-6-16.2).
18	(11) A document storage fee (IC 33-19-6-18.1).
19	(12) An automated record keeping fee (IC 33-19-6-19).
20	(13) A late payment fee (IC 33-19-6-20).
21	(14) A sexual assault victims assistance fee (IC 33-19-6-21).
22	(15) A judicial administration fee (IC 33-19-6-19.2).
23	(c) Instead of the criminal costs fee prescribed by this section, the
24	clerk shall collect a pretrial diversion program fee if an agreement
25	between the prosecuting attorney and the accused person entered into
26	under IC 33-14-1-7 requires payment of those fees by the accused
27	person. The pretrial diversion program fee is:
28	(1) an initial user's fee of fifty dollars (\$50); and
29	(2) a monthly user's fee of ten dollars (\$10) for each month that
30	the person remains in the pretrial diversion program.
31	(d) The clerk shall transfer to the county auditor or city or town
32	fiscal officer the following fees, within thirty (30) days after they are
33	collected, for deposit by the auditor or fiscal officer in the appropriate
34	user fee fund established under IC 33-19-8:
35	(1) The pretrial diversion fee.
36	(2) The marijuana eradication program fee.
37	(3) The alcohol and drug services program user fee.
38	(4) The law enforcement continuing education program fee.
39	(e) Unless otherwise directed by a court, if a clerk collects only part
40	of a criminal costs fee from a defendant under this section, the clerk
41	shall distribute the partial payment of the criminal costs fee as follows:
42	(1) First, the clerk shall apply the partial payment to general court



1	costs.
2	(2) Second, if there is money remaining after the partial payment
3	is applied to general court costs under subdivision (1), the clerk
4	shall distribute the partial payment for deposit in the appropriate
5	county user fee fund.
6	(3) Third, if there is money remaining after distribution under
7	subdivision (2), the clerk shall distribute the partial payment for
8	deposit in the state user fee fund.
9	(4) Fourth, if there is money remaining after distribution under
10	subdivision (3), the clerk shall distribute the partial payment to
11	any other applicable user fee fund.
12	(5) Fifth, if there is money remaining after distribution under
13	subdivision (4), the clerk shall apply the partial payment to any
14	outstanding fines owed by the defendant.
15	SECTION 10. IC 33-19-5-2, AS AMENDED BY P.L.1-2002,
16	SECTION 134, IS AMENDED TO READ AS FOLLOWS
17	[EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Except as provided in
18	subsections (d) and (e), for each action that results in a judgment:
19	(1) for a violation constituting an infraction; or
20	(2) for a violation of an ordinance of a municipal corporation (as
21	defined in IC 36-1-2-10);
22	the clerk shall collect from the defendant an infraction or ordinance
23	violation costs fee of seventy dollars (\$70).
24	(b) In addition to the infraction or ordinance violation costs fee
25	collected under this section, the clerk shall collect from the defendant
26	the following fees if they are required under IC 33-19-6:
27	(1) A document fee (IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3).
28	(2) An alcohol and drug services program user fee
29	(IC 33-19-6-7(b)).
30	(3) A law enforcement continuing education program fee
31	(IC 33-19-6-7(c)).
32	(4) An alcohol and drug countermeasures fee (IC 33-19-6-10).
33	(5) A highway work zone fee (IC 33-19-6-14).
34	(6) A deferred prosecution fee (IC 33-19-6-16.2).
35	(7) A jury fee (IC 33-19-6-17).
36	(8) A document storage fee (IC 33-19-6-18.1).
37	(9) An automated record keeping fee (IC 33-19-6-19).
38	(10) A late payment fee (IC 33-19-6-20).
39	(11) A judicial administration fee (IC 33-19-6-19.2).
40	(c) The clerk shall transfer to the county auditor or fiscal officer of
41	the municipal corporation the following fees, within thirty (30) days
42	after they are collected, for deposit by the auditor or fiscal officer in the



1	user fee fund established under IC 33-19-8:
2	(1) The alcohol and drug services program user fee.
3	(2) The law enforcement continuing education program fee.
4	(3) The deferral program fee.
5	(d) The defendant is not liable for any ordinance violation costs fee
6	in an action in which:
7	(1) the defendant was charged with an ordinance violation subject
8	to IC 33-6-3;
9	(2) the defendant denied the violation under IC 33-6-3-2;
0	(3) proceedings in court against the defendant were initiated
.1	under IC 34-28-5 (or IC 34-4-32 before its repeal); and
2	(4) the defendant was tried and the court entered judgment for the
.3	defendant for the violation.
4	(e) Instead of the infraction or ordinance violation costs fee
. 5	prescribed by subsection (a), the clerk shall collect a deferral program
6	fee if an agreement between a prosecuting attorney or an attorney for
7	a municipal corporation and the person charged with a violation
. 8	entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal)
.9	requires payment of those fees by the person charged with the
20	violation. The deferral program fee is:
2.1	(1) an initial user's fee not to exceed fifty-two dollars (\$52); and
22	(2) a monthly user's fee not to exceed ten dollars (\$10) for each
23	month the person remains in the deferral program.
24	SECTION 11. IC 33-19-5-3, AS AMENDED BY P.L.1-2002,
25	SECTION 135, IS AMENDED TO READ AS FOLLOWS
26	[EFFECTIVE JULY 1, 2004]: Sec. 3. (a) For each action filed under:
27	(1) IC 31-34 or IC 31-37 (delinquent children and children in
28	need of services); or
29	(2) IC 31-14 (paternity);
0	the clerk shall collect a juvenile costs fee of one hundred twenty dollars
1	(\$120).
32	(b) In addition to the juvenile costs fee collected under this section,
3	the clerk shall collect the following fees if they are required under
34	IC 33-19-6:
35	(1) A document fee.
66	(2) A marijuana eradication program fee.
57	(3) An alcohol and drug services program user fee.
8	(4) A law enforcement continuing education program fee.
19	(5) An alcohol and drug countermeasures fee.
10	(6) A document storage fee (IC 33-19-6-18.1).
1	(7) An automated record keeping fee (IC 33-19-6-19).
12	(8) A late payment fee (IC 33-19-6-20)



1	(9) A judicial administration fee (IC 33-19-6-19.2).
2	(c) The clerk shall transfer to the county auditor or city or town
3	fiscal officer the following fees, within thirty (30) days after they are
4	collected, for deposit by the auditor or fiscal officer in the appropriate
5	user fee fund established under IC 33-19-8:
6	(1) The marijuana eradication program fee.
7	(2) The alcohol and drug services program user fee.
8	(3) The law enforcement continuing education program fee.
9	SECTION 12. IC 33-19-5-4, AS AMENDED BY P.L.1-2002,
10	SECTION 136, IS AMENDED TO READ AS FOLLOWS
11	[EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:
12	(1) proceedings to enforce a statute defining an infraction under
13	IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
14	(2) proceedings to enforce an ordinance under IC 34-28-5-4 (or
15	IC 34-4-32-4 before its repeal);
16	(3) proceedings in juvenile court under IC 31-34 or IC 31-37;
17	(4) proceedings in paternity under IC 31-14;
18	(5) proceedings in small claims court under IC 33-11.6; and
19	(6) proceedings in actions under section 6 of this chapter;
20	the clerk shall collect from the party filing the action a civil costs fee
21	of one hundred dollars (\$100).
22	(b) In addition to the civil costs fee collected under this section, the
23	clerk shall collect the following fees if they are required under
24	IC 33-19-6:
25	(1) A document fee.
26	(2) A support and maintenance fee.
27	(3) A document storage fee (IC 33-19-6-18.1).
28	(4) An automated record keeping fee (IC 33-19-6-19).
29	(5) A judicial administration fee (IC 33-19-6-19.2).
30	SECTION 13. IC 33-19-5-5, AS AMENDED BY P.L.167-2003,
31	SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32	JULY 1, 2005]: Sec. 5. (a) For each small claims action the clerk shall
33	collect from the party filing the action a:
34	(1) small claims costs fee of thirty-five dollars (\$35); and
35	(2) small claims service fee of five dollars (\$5) for each defendant
36	named or added in the small claims action.
37	However, a clerk may not collect a small claims costs fee or small
38	claims service fee for a small claims action filed by or on behalf of the
39	attorney general.
40	(b) In addition to a small claims costs fee and small claims service
41	fee collected under this section, the clerk shall collect the following
42	fees if they are required under IC 33-19-6:



1	(1) A document fee.	
2	(2) A document storage fee (IC 33-19-6-18.1).	
3	(3) An automated record keeping fee (IC 33-19-6-19).	
4	(4) A judicial administration fee (IC 33-19-6-19.2).	
5	SECTION 14. IC 33-19-5-6, AS AMENDED BY P.L.1-2002,	
6	SECTION 138, IS AMENDED TO READ AS FOLLOWS	
7	[EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Except as provided under	
8	subsection (c), for each action filed under:	
9	(1) IC 6-4.1-5 (determination of inheritance tax);	
10	(2) IC 29 (probate); and	
11	(3) IC 30 (trusts and fiduciaries);	
12	the clerk shall collect from the party filing the action a probate costs fee	
13	of one hundred twenty dollars (\$120).	
14	(b) In addition to the probate costs fee collected under this section,	
15	the clerk shall collect from the party filing the action the following fees	_
16	if they are required under IC 33-19-6:	
17	(1) A document fee.	
18	(2) A document storage fee (IC 33-19-6-18.1).	
19	(3) An automated record keeping fee (IC 33-19-6-19).	
20	(4) A judicial administration fee (IC 33-19-6-19.2).	
21	(c) A clerk may not collect a court costs fee for the filing of the	
22	following exempted actions:	
23	(1) Petition to open a safety deposit box.	
24	(2) Filing an inheritance tax return, unless proceedings other than	
25	the court's approval of the return become necessary.	
26	(3) Offering a will for probate under IC 29-1-7, unless	_
27	proceedings other than admitting the will to probate become	
28	necessary. SECTION 15. IC 33-19-6-19.2 IS ADDED TO THE INDIANA	
29	CODE AS A NEW SECTION TO READ AS FOLLOWS	
30 31	[EFFECTIVE JULY 1, 2004]: Sec. 19.2. (a) This subsection does not	
32	apply to the following:	
33	(1) A criminal proceeding.	
34	(2) A proceeding for an infraction violation.	
35	(3) A proceeding for an ordinance violation.	
36	In each action filed in a court described in IC 33-19-1-1, the clerk	
37	shall collect a judicial administration fee of in the period beginning	
38	July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after	
39	June 30, 2005, two dollars (\$2).	
40	(b) In each action in which a person is:	
41	(1) convicted of an offense;	
42	(2) required to pay a pretrial diversion fee;	



1	(3) found to have violated an infraction; or	
2	(4) found to have violated an ordinance;	
3	the clerk shall collect a judicial administration fee of in the period	
4	beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1)	
5	and after June 30, 2005, two dollars (\$2).	
6	SECTION 16. IC 33-19-7-1, AS AMENDED BY P.L.167-2003,	
7	SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
8	JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall	
9	semiannually distribute to the auditor of state as the state share for	
10	deposit in the state general fund seventy percent (70%) of the amount	4
11	of fees collected under the following:	
12	(1) IC 33-19-5-1(a) (criminal costs fees).	
13	(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).	
14	(3) IC 33-19-5-3(a) (juvenile costs fees).	
15	(4) IC 33-19-5-4(a) (civil costs fees).	
16	(5) IC 33-19-5-5(a)(1) (small claims costs fees).	4
17	(6) IC 33-19-5-6(a) (probate costs fees).	
18	(7) IC 33-19-6-16.2 (deferred prosecution fees).	
19	(b) The clerk of a circuit court shall semiannually distribute to the	
20	auditor of state for deposit in the state user fee fund established under	
21	IC 33-19-9-2 the following:	_
22	(1) Twenty-five percent (25%) of the drug abuse, prosecution,	
23	interdiction, and correction fees collected under	
24	IC 33-19-5-1(b)(5).	
25	(2) Twenty-five percent (25%) of the alcohol and drug	
26	countermeasures fees collected under IC 33-19-5-1(b)(6),	
27	IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).	
28	(3) Fifty percent (50%) of the child abuse prevention fees	
29	collected under IC 33-19-5-1(b)(7).	
30	(4) One hundred percent (100%) of the domestic violence	
31	prevention and treatment fees collected under IC 33-19-5-1(b)(8).	
32	(5) One hundred percent (100%) of the highway work zone fees	
33	collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).	
34	(6) One hundred percent (100%) of the safe schools fee collected	
35	under IC 33-19-6-16.3.	
36	(7) One hundred percent (100%) of the automated record keeping	
37	fee (IC 33-19-6-19).	
38	(c) The clerk of a circuit court shall monthly distribute to the county	
39	auditor the following:	
40	(1) Seventy-five percent (75%) of the drug abuse, prosecution,	
41	interdiction, and correction fees collected under	
42	IC 33-19-5-1(b)(5).	





1	(2) Seventy-five percent (75%) of the alcohol and drug	
2	countermeasures fees collected under IC 33-19-5-1(b)(6),	
3	IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).	
4	The county auditor shall deposit fees distributed by a clerk under this	
5	subsection into the county drug free community fund established under	
6	IC 5-2-11.	
7	(d) The clerk of a circuit court shall monthly distribute to the county	
8	auditor fifty percent (50%) of the child abuse prevention fees collected	
9	under IC 33-19-5-1(b)(8). The county auditor shall deposit fees	
10	distributed by a clerk under this subsection into the county child	
11	advocacy fund established under IC 12-17-17.	
12	(e) The clerk of a circuit court shall monthly distribute to the county	
13	auditor one hundred percent (100%) of the late payment fees collected	
14	under IC 33-19-6-20. The county auditor shall deposit fees distributed	
15	by a clerk under this subsection as follows:	
16	(1) If directed to do so by an ordinance adopted by the county	
17	fiscal body, the county auditor shall deposit forty percent (40%)	
18	of the fees in the clerk's record perpetuation fund established	
19	under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the	
20	county general fund.	
21	(2) If the county fiscal body has not adopted an ordinance under	
22	subdivision (1), the county auditor shall deposit all the fees in the	
23	county general fund.	
24	(f) The clerk of the circuit court shall semiannually distribute to the	
25	auditor of state for deposit in the sexual assault victims assistance fund	
26	established under IC 16-19-13-6 one hundred percent (100%) of the	
27	sexual assault victims assistance fees collected under IC 33-19-6-21.	
28	(g) The clerk of a circuit court shall monthly distribute to the county	
29	auditor the following:	
30	(1) One hundred percent (100%) of the support and maintenance	
31	fees for cases designated as non-Title IV-D child support cases in	
32	the Indiana support enforcement tracking system (ISETS)	
33	collected under IC 33-19-6-5.	
34	(2) The percentage share of the support and maintenance fees for	
35	cases designated as IV-D child support cases in ISETS collected	
36	under IC 33-19-6-5 that is reimbursable to the county at the	
37	federal financial participation rate.	
38	The county clerk shall monthly distribute to the office of the secretary	
39	of family and social services the percentage share of the support and	
40	maintenance fees for cases designated as Title IV-D child support cases	

in ISETS collected under IC 33-19-6-5 that is not reimbursable to the

county at the applicable federal financial participation rate.



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1	(h) The clerk of a circuit court shall monthly distribute to the county
2	auditor one hundred percent (100%) of the small claims service fee
3	under IC 33-19-5-5(a)(2) for deposit in the county general fund.
4	(i) The clerk of a circuit court shall semiannually distribute to
5	the auditor of state for deposit in the state general fund one
6	hundred percent (100%) of the judicial administration fee collected
7	under IC 33-19-6-19.2.
8	SECTION 17. IC 33-19-7-4, AS AMENDED BY P.L.167-2003,
9	SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10	JULY 1, 2005]: Sec. 4. (a) The clerk of a city or town court shall
11	semiannually distribute to the auditor of state as the state share for
12	deposit in the state general fund fifty-five percent (55%) of the amount
13	of fees collected under the following:
14	(1) IC 33-19-5-1(a) (criminal costs fees).
15	(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
16	(3) IC 33-19-5-4(a) (civil costs fees).
17	(4) IC 33-19-5-5(a)(1) (small claims costs fees).
18	(5) IC 33-19-6-16.2 (deferred prosecution fees).
19	(b) Once each month the city or town fiscal officer shall distribute
20	to the county auditor as the county share twenty percent (20%) of the
21	amount of fees collected under the following:
22	(1) IC 33-19-5-1(a) (criminal costs fees).
23	(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
24	(3) IC 33-19-5-4(a) (civil costs fees).
25	(4) IC 33-19-5-5(a)(1) (small claims costs fees).
26	(5) IC 33-19-6-16.2 (deferred prosecution fees).
27	(c) The city or town fiscal officer shall retain twenty-five percent
28	(25%) as the city or town share of the fees collected under the
29	following:
30	(1) IC 33-19-5-1(a) (criminal costs fees).
31	(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
32	(3) IC 33-19-5-4(a) (civil costs fees).
33	(4) IC 33-19-5-5(a)(1) (small claims costs fees).
34	(5) IC 33-19-6-16.2 (deferred prosecution fees).
35	(d) The clerk of a city or town court shall semiannually distribute to
36	the auditor of state for deposit in the state user fee fund established
37	under IC 33-19-9 the following:
38	(1) Twenty-five percent (25%) of the drug abuse, prosecution,
39	interdiction, and corrections fees collected under
40	IC 33-19-5-1(b)(5).
41 12	(2) Twenty-five percent (25%) of the alcohol and drug
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1	IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
2	(3) One hundred percent (100%) of the highway work zone fees
3	collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
4	(4) One hundred percent (100%) of the safe schools fee collected
5	under IC 33-19-6-16.3.
6	(5) One hundred percent (100%) of the automated record keeping
7	fee (IC 33-19-6-19).
8	(e) The clerk of a city or town court shall monthly distribute to the
9	county auditor the following:
10	(1) Seventy-five percent (75%) of the drug abuse, prosecution,
11	interdiction, and corrections fees collected under
12	IC 33-19-5-1(b)(5).
13	(2) Seventy-five percent (75%) of the alcohol and drug
14	countermeasures fees collected under IC 33-19-5-1(b)(6),
15	IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
16	The county auditor shall deposit fees distributed by a clerk under this
17	subsection into the county drug free community fund established under
18	IC 5-2-11.
19	(f) The clerk of a city or town court shall distribute monthly to the
20	city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
21	percent (100%) of the late payment fees collected under IC 33-19-6-20.
22	The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
23	fees distributed by a clerk under this subsection in the city or town
24	general fund.
25	(g) The clerk of a city or town court shall semiannually
26	distribute to the auditor of state for deposit in the state general
27	fund one hundred percent (100%) of the judicial administration fee
28	collected under IC 33-19-6-19.2.
29	SECTION 18. IC 33-19-7-5 IS AMENDED TO READ AS
30	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) On June 30 and
31	on December 31 of each year, the auditor of state shall transfer to the
32	treasurer of state six million seven hundred four thousand two hundred
33	fifty-seven dollars (\$6,704,257) for distribution under subsection (b).
34	(b) On June 30 and on December 31 of each year the treasurer of
35	state shall deposit into:
36	(1) the family violence and victim assistance fund established
37	under IC 12-18-5-2 an amount equal to eleven and
38	eight-hundredths percent (11.08%);
39	(2) the Indiana judges' retirement fund established under
40	IC 33-13-8 an amount equal to twenty-five and twenty-one
41	hundredths percent (25.21%);
42	(3) the law enforcement academy building fund established under



1	IC 5-2-1-13 an amount equal to three and fifty-two hundredths
2	percent (3.52%);
3	(4) the law enforcement training fund established under
4	IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths
5	percent (14.19%);
6	(5) the violent crime victims compensation fund established under
7	IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths
8	percent (16.50%);
9	(6) the motor vehicle highway account an amount equal to
10	twenty-six and ninety-five hundredths percent (26.95%);
11	(7) the fish and wildlife fund established by IC 14-22-3-2 an
12	amount equal to thirty-two hundredths of one percent (0.32%);
13	and
14	(8) the Indiana judicial center drug and alcohol programs fund
15	established under IC 12-23-14-17 for the administration,
16	certification, and support of alcohol and drug services programs
17	under IC 12-23-14 an amount equal to two and twenty-three
18	hundredths percent (2.23%);
19	of the amount transferred by the auditor of state under subsection (a).
20	(c) On June 30 and on December 31 of each year the auditor of state
21	shall transfer to the treasurer of state:
22	(1) after June 30, 2004, and before July 1, 2005, one million
23	two seven hundred thousand dollars (\$1, 200,000) (\$1,700,000)
24	for deposit into the public defense fund established under
25	IC 33-9-14; and
26	(2) after June 30, 2005, two million two hundred thousand
27	dollars (\$2,200,000).
28	SECTION 19. [EFFECTIVE JULY 1, 2004] (a) In addition to a
29	small claims costs fee and small claims service fee collected under
30	IC 33-19-5-5, as in effect on July 1, 2004, the circuit court clerk
31	shall collect a judicial administration fee under IC 33-19-6-19.2, as
32	added by this act, if the judicial administration fee is required to be
33	collected under IC 33-19-6.
34	(b) This SECTION expires July 1, 2005.
35	SECTION 20. [EFFECTIVE JULY 1, 2004] (a) A circuit court
36	clerk shall semiannually distribute to the auditor of state for
37	deposit in the state general fund one hundred percent (100%) of
38	the judicial administration fee collected under IC 33-19-6-18.
39	(b) The clerk of a city or town court shall semiannually
40	distribute to the auditor of state for deposit in the state general
41	fund one hundred percent (100%) of the judicial administration fee
12	collected under IC 33-19-6-19.2.



1	(c) This SECTION expires July 1, 2005.	
2	SECTION 21. [EFFECTIVE JULY 1, 2004] (a) The definitions in	
3	IC 4-13-16.5, as amended by this act, apply throughout this	
4	SECTION.	
5	(b) As used in this SECTION, "reporting period" refers to the	
6	period:	
7	(1) beginning January 1, 1999; and	
8	(2) ending December 31, 2003.	
9	(c) As used in this SECTION, "small business enterprise" has	
10	the meaning set forth in 25 IAC 1.5-1-9.	
11	(d) As used in this SECTION, "special business enterprise"	
12	refers to any of the following:	
13	(1) A minority business enterprise.	
14	(2) A small business enterprise.	
15	(3) A women's business enterprise.	
16	(e) Each state agency, separate body corporate and politic, and	
17	state educational institution shall analyze the use of special	
18	business enterprises in the agency's, body's, or institution's	
19	purchasing, construction, and contracting practices.	
20	(f) The analysis required by subsection (e) must include the	
21	following information, specified for each special business	
22	enterprise type described in subsection (d), for each calendar year	
23	in the reporting period, and for a state educational institution, for	
24	each campus of the state educational institution:	
25	(1) Number of contracts awarded.	
26	(2) Total dollar amount of contracts awarded.	
27	(3) A classification of different contract types awarded by the	
28	agency, body, or institution and the number of contracts	V
29	awarded in each classification.	
30	(4) A description of efforts made by the agency, body, or	
31	institution to encourage each business enterprise type to do	
32	business with the agency, body, or institution during the	
33	reporting period.	
34	(g) The analysis required by subsection (f) must include the	
35	same information required for the reporting period by subsection	
36	(f) for businesses that are not special business enterprises.	
37	(h) Each agency, body, and institution shall file a written report	
38	in electronic format under IC 5-14-6 of the results of the analysis	
39	required by this SECTION with the legislative council not later	
40	than November 1, 2004.	



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(i) This SECTION expires January 1, 2006.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Appointments and Claims, to which was referred House Bill 1436, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert: "SECTION 2. IC 4-33-14-5, AS AMENDED BY P.L.92-2003, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) As used in this section, "goods and services" does not include the following:

- (1) Utilities and taxes.
- (2) Financing costs, mortgages, loans, or other debt.
- (3) Medical insurance.
- (4) Fees and payments to a parent or an affiliated company of an operating agent or the person holding an owner's license, other than fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the operating agent or the person holding the owner's license.
- (5) Rents paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.
- (b) Notwithstanding any law or rule to the contrary, the commission shall establish annual goals for an operating agent or a person issued an owner's license:
 - (1) for the use of minority and women's business enterprises; and
 - (2) derived from a statistical analysis of utilization study of licensee and operating agent contracts for goods and services that are required to be updated every five (5) years.
- (c) An operating agent or a person holding an owner's license shall submit annually to the commission a report that includes the **following information:**
 - (1) The total dollar value of contracts awarded for goods or services and the percentage awarded to minority and women's business enterprises.
 - (2) The following information relating to each minority business enterprise or women's business enterprise awarded a contract for goods or services:
 - (A) The name.
 - (B) The address.
 - (C) The total dollar amount of the contract.

A record containing information described in this subsection is not











exempt from the disclosure requirements of IC 5-14-3-3 under IC 5-14-3-4.

(c) (d) An operating agent or a person holding an owner's license shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that an effort was made to meet the requirements.

(d) (e) An operating agent or a person holding an owner's license may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the licensee or operating agent shall provide the commission with proof of the amount of the set aside."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1436 as introduced.)

HARRIS, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1436 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-13-16.5-1, AS AMENDED BY P.L.195-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. As used in this chapter:

"Commission" refers to the governor's commission on minority and women's business enterprises established under section 2 of this chapter.

"Commissioner" refers to the deputy commissioner for minority and women's business enterprises of the department.

"Contract" means any contract awarded by a state agency for construction projects or the procurement of goods or services, including professional services.

"Department" refers to the Indiana department of administration established by IC 4-13-1-2.

"Minority business enterprise" or "minority business" means an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

- (1) United States citizens; and
- (2) members of a minority group.

"Owned and controlled" means having:

- (1) ownership of at least fifty-one percent (51%) of the enterprise, including corporate stock of a corporation;
- (2) control over the management and active in the day-to-day operations of the business; and
- (3) an interest in the capital, assets, and profits and losses of the business proportionate to the percentage of ownership.

"Minority group" means:

- (1) Blacks;
- (2) American Indians;
- (3) Hispanics;
- (4) Asian Americans; and
- (5) other similar minority groups, as defined by 13 CFR 124.103.

"Separate body corporate and politic" refers to an entity established by the general assembly as a body corporate and politic.

"State agency" refers to any of the following:

(1) An authority, board, branch, commission, committee,











department, division, or other instrumentality of the executive, including the administrative, department of state government.

- (2) An entity established by the general assembly as a body corporate and politic.
- (3) A "State educational institution" has the meaning set forth in IC 20-12-0.5-1.

The term does not include the state lottery commission or the Indiana gaming commission with respect to setting and enforcing goals for awarding contracts to minority and women's business enterprises.

SECTION 2. IC 4-13-16.5-2, AS AMENDED BY P.L.41-2003, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) There is established a governor's commission on minority and women's business enterprises. The commission shall consist of the following members:

- (1) A governor's designee, who shall serve as chairman of the commission.
- (2) The commissioner of the Indiana department of transportation.
- (3) The director of the department of commerce.
- (4) The commissioner of the department.
- (5) Nine (9) individuals with demonstrated capabilities in business and industry, especially minority and women's business enterprises, appointed by the governor from the following geographical areas of the state:
 - (A) Three (3) from the northern one-third (1/3) of the state.
 - (B) Three (3) from the central one-third (1/3) of the state.
 - (C) Three (3) from the southern one-third (1/3) of the state.
- (6) Two (2) members of the house of representatives, no more than one (1) from the same political party, appointed by the speaker of the house of representatives to serve in a nonvoting advisory capacity.
- (7) Two (2) members of the senate, no more than one (1) from the same political party, appointed by the president pro tempore of the senate to serve in a nonvoting advisory capacity.

Not more than six (6) of the ten (10) members appointed or designated by the governor may be of the same political party. Appointed members of the commission shall serve four (4) year terms. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

- (b) Each member of the commission who is not a state employee is entitled to the following:
 - (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).









- (2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided under IC 4-13-1-4 and in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
- (c) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees. The allowances specified in this subsection shall be paid by the legislative services agency from the amounts appropriated for that purpose.
- (d) A member of the commission who is a state employee but who is not a member of the general assembly is not entitled to any of the following:
 - (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
 - (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
 - (3) Other expenses actually incurred in connection with the member's duties.
- (e) The commission shall meet at least four (4) times each year and at other times as the chairman deems necessary.
- (f) The duties of the commission shall include but not be limited to the following:
 - (1) Identify minority and women's business enterprises in the state
 - (2) Assess the needs of minority and women's business enterprises.
 - (3) Initiate aggressive programs to assist minority and women's business enterprises in obtaining state contracts.
 - (4) Give special publicity to procurement, bidding, and qualifying procedures.
 - (5) Include minority and women's business enterprises on solicitation mailing lists.
 - (6) Define the duties, goals, and objectives of the deputy commissioner of the department as created under this chapter to assure compliance by all state agencies, **separate bodies corporate and politic, and state educational institutions** with state and federal legislation and policy concerning the awarding of contracts to minority and women's business enterprises.
 - (7) Establish annual goals:
 - (A) for the use of minority and women's business enterprises; and













- (B) derived from a statistical analysis of utilization study of state contracts that are required to be updated every five (5) years.
- (8) Prepare a review of the commission and the various affected departments of government to be submitted to the governor and the legislative council on March 1 and October 1 of each year, evaluating progress made in the areas defined in this subsection.
- (g) The department shall adopt rules of ethics under IC 4-22-2 for commission members other than commission members appointed under subsection (a)(6) or (a)(7).
- (h) The department shall furnish administrative support and staff as is necessary for the effective operation of the commission.

SECTION 3. IC 4-13-16.5-3, AS AMENDED BY P.L.195-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) There is created in the department a deputy commissioner for minority and women's business enterprise development. Upon consultation with the commission, the commissioner of the department, with the approval of the governor, shall appoint an individual who possesses demonstrated capability in business or industry, especially in minority or women's business enterprises, to serve as deputy commissioner to work with the commission in the implementation of this chapter.

- (b) The deputy commissioner shall do the following:
 - (1) Identify and certify minority and women's business enterprises for state projects.
 - (2) Establish a central certification file.
 - (3) Periodically update the certification status of each minority or women's business enterprise.
 - (4) Monitor the progress in achieving the goals established under section 2(f)(7) of this chapter.
 - (5) Require all state agencies, separate bodies corporate and politic, and state educational institutions to report on planned and actual participation of minority and women's business enterprises in contracts awarded by state agencies. The commissioner may exclude from the reports uncertified minority and women's business enterprises.
 - (6) Determine and define opportunities for minority and women's business participation in contracts awarded by all state agencies, separate bodies corporate and politic, and state educational institutions.
 - (7) Implement programs initiated by the commission under section 2 of this chapter.

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(8) Perform other duties as defined by the commission or by the commissioner of the department.".

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2004] (a) The definitions in IC 4-13-16.5, as amended by this act, apply throughout this SECTION.

- (b) As used in this SECTION, "reporting period" refers to the period:
 - (1) beginning January 1, 1999; and
 - (2) ending December 31, 2003.
- (c) As used in this SECTION, "small business enterprise" has the meaning set forth in 25 IAC 1.5-1-9.
- (d) As used in this SECTION, "special business enterprise" refers to any of the following:
 - (1) A minority business enterprise.
 - (2) A small business enterprise.
 - (3) A women's business enterprise.
- (e) Each state agency, separate body corporate and politic, and state educational institution shall analyze the use of special business enterprises in the agency's, body's, or institution's purchasing, construction, and contracting practices.
- (f) The analysis required by subsection (e) must include the following information, specified for each special business enterprise type described in subsection (d), for each calendar year in the reporting period, and for a state educational institution, for each campus of the state educational institution:
 - (1) Number of contracts awarded.
 - (2) Total dollar amount of contracts awarded.
 - (3) A classification of different contract types awarded by the agency, body, or institution and the number of contracts awarded in each classification.
 - (4) A description of efforts made by the agency, body, or institution to encourage each business enterprise type to do business with the agency, body, or institution during the reporting period.
- (g) The analysis required by subsection (f) must include the same information required for the reporting period by subsection (f) for businesses that are not special business enterprises.
- (h) Each agency, body, and institution shall file a written report in electronic format under IC 5-14-6 of the results of the analysis required by this SECTION with the legislative council not later than November 1, 2004.









(i) This SECTION expires January 1, 2006.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1436 as printed January 30, 2004.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1436 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 5. IC 33-11.6-4-15, AS AMENDED BY P.L.141-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The costs consist of **the following:**

- (1) A township docket fee equal to five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-19-5-2.
- (2) Bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.
- (3) The cost for the personal service of process by the bailiff or other process server in the amount of thirteen dollars (\$13) for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-19-1-6 to be taxed and charged in the circuit court of the county.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-19-6-18.1.
- (7) An automated record keeping fee under IC 33-19-6-19. and
- (8) A late fee, if any, under IC 33-19-6-20.
- (9) A judicial administration fee under IC 33-19-6-19.2.

The docket fee and the cost for the initial service of process shall be paid upon the institution of each case. The cost of service rendered subsequent to the initial service shall be assessed and paid after such service has been made, and the cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 6. IC 33-19-5-1, AS AMENDED BY P.L.1-2002, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

- (b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:
 - (1) A document fee.
 - (2) A marijuana eradication program fee.











- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).
- (11) A document storage fee (IC 33-19-6-18.1).
- (12) An automated record keeping fee (IC 33-19-6-19).
- (13) A late payment fee (IC 33-19-6-20).
- (14) A sexual assault victims assistance fee (IC 33-19-6-21).
- (15) A judicial administration fee (IC 33-19-6-19.2).
- (c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:
 - (1) an initial user's fee of fifty dollars (\$50); and
 - (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.
- (d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:
 - (1) The pretrial diversion fee.
 - (2) The marijuana eradication program fee.
 - (3) The alcohol and drug services program user fee.
 - (4) The law enforcement continuing education program fee.
- (e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:
 - (1) First, the clerk shall apply the partial payment to general court costs.
 - (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
 - (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
 - (4) Fourth, if there is money remaining after distribution under







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- subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 7. IC 33-19-5-2, AS AMENDED BY P.L.1-2002, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

- (b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:
 - (1) A document fee (IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3).
 - (2) An alcohol and drug services program user fee (IC 33-19-6-7(b)).
 - (3) A law enforcement continuing education program fee (IC 33-19-6-7(c)).
 - (4) An alcohol and drug countermeasures fee (IC 33-19-6-10).
 - (5) A highway work zone fee (IC 33-19-6-14).
 - (6) A deferred prosecution fee (IC 33-19-6-16.2).
 - (7) A jury fee (IC 33-19-6-17).
 - (8) A document storage fee (IC 33-19-6-18.1).
 - (9) An automated record keeping fee (IC 33-19-6-19).
 - (10) A late payment fee (IC 33-19-6-20).
 - (11) A judicial administration fee (IC 33-19-6-19.2).
- (c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:
 - (1) The alcohol and drug services program user fee.
 - (2) The law enforcement continuing education program fee.
 - (3) The deferral program fee.
- (d) The defendant is not liable for any ordinance violation costs fee in an action in which:
 - (1) the defendant was charged with an ordinance violation subject to IC 33-6-3;
 - (2) the defendant denied the violation under IC 33-6-3-2;









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- (3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and
- (4) the defendant was tried and the court entered judgment for the defendant for the violation.
- (e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:
 - (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
 - (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 8. IC 33-19-5-3, AS AMENDED BY P.L.1-2002, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or
- (2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

- (b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:
 - (1) A document fee.
 - (2) A marijuana eradication program fee.
 - (3) An alcohol and drug services program user fee.
 - (4) A law enforcement continuing education program fee.
 - (5) An alcohol and drug countermeasures fee.
 - (6) A document storage fee (IC 33-19-6-18.1).
 - (7) An automated record keeping fee (IC 33-19-6-19).
 - (8) A late payment fee (IC 33-19-6-20).
 - (9) A judicial administration fee (IC 33-19-6-19.2).
- (c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:
 - (1) The marijuana eradication program fee.
 - (2) The alcohol and drug services program user fee.
 - (3) The law enforcement continuing education program fee.

SECTION 9. IC 33-19-5-4, AS AMENDED BY P.L.1-2002,



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SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:

- (1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- (4) proceedings in paternity under IC 31-14;
- (5) proceedings in small claims court under IC 33-11.6; and
- (6) proceedings in actions under section 6 of this chapter; the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100).
- (b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:
 - (1) A document fee.
 - (2) A support and maintenance fee.
 - (3) A document storage fee (IC 33-19-6-18.1).
 - (4) An automated record keeping fee (IC 33-19-6-19).
 - (5) A judicial administration fee (IC 33-19-6-19.2).

SECTION 10. IC 33-19-5-5, AS AMENDED BY P.L.167-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a:

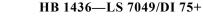
- (1) small claims costs fee of thirty-five dollars (\$35); and
- (2) small claims service fee of five dollars (\$5) for each defendant named or added in the small claims action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

- (b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:
 - (1) A document fee.
 - (2) A document storage fee (IC 33-19-6-18.1).
 - (3) An automated record keeping fee (IC 33-19-6-19).
 - (4) A judicial administration fee (IC 33-19-6-19.2).

SECTION 11. IC 33-19-5-6, AS AMENDED BY P.L.1-2002, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Except as provided under subsection (c), for each action filed under:

(1) IC 6-4.1-5 (determination of inheritance tax);













- (2) IC 29 (probate); and
- (3) IC 30 (trusts and fiduciaries);

the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120).

- (b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action the following fees if they are required under IC 33-19-6:
 - (1) A document fee.
 - (2) A document storage fee (IC 33-19-6-18.1).
 - (3) An automated record keeping fee (IC 33-19-6-19).
 - (4) A judicial administration fee (IC 33-19-6-19.2).
- (c) A clerk may not collect a court costs fee for the filing of the following exempted actions:
 - (1) Petition to open a safety deposit box.
 - (2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
 - (3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 12. IC 33-19-6-19.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 19.2. (a) This subsection does not apply to the following:**

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-19-1-1, the clerk shall collect a judicial administration fee of in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two dollars (\$2).

- (b) In each action in which a person is:
 - (1) convicted of an offense;
 - (2) required to pay a pretrial diversion fee;
 - (3) found to have violated an infraction; or
 - (4) found to have violated an ordinance;

the clerk shall collect a judicial administration fee of in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two dollars (\$2).

SECTION 13. IC 33-19-7-1, AS AMENDED BY P.L.167-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for











deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).
- (b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:
 - (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
 - (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
 - (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
 - (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
 - (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
 - (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
 - (7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).
- (c) The clerk of a circuit court shall monthly distribute to the county auditor the following:
 - (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
 - (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees











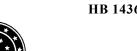
distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

- (e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:
 - (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.
 - (2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.
- (f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established under IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.
- (g) The clerk of a circuit court shall monthly distribute to the county auditor the following:
 - (1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.
 - (2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

- (h) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-19-5-5(a)(2) for deposit in the county general fund.
- (i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.2.

SECTION 14. IC 33-19-7-4, AS AMENDED BY P.L.167-2003, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE











- JULY 1, 2005]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:
 - (1) IC 33-19-5-1(a) (criminal costs fees).
 - (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 - (3) IC 33-19-5-4(a) (civil costs fees).
 - (4) IC 33-19-5-5(a)(1) (small claims costs fees).
 - (5) IC 33-19-6-16.2 (deferred prosecution fees).
- (b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:
 - (1) IC 33-19-5-1(a) (criminal costs fees).
 - (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 - (3) IC 33-19-5-4(a) (civil costs fees).
 - (4) IC 33-19-5-5(a)(1) (small claims costs fees).
 - (5) IC 33-19-6-16.2 (deferred prosecution fees).
- (c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:
 - (1) IC 33-19-5-1(a) (criminal costs fees).
 - (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 - (3) IC 33-19-5-4(a) (civil costs fees).
 - (4) IC 33-19-5-5(a)(1) (small claims costs fees).
 - (5) IC 33-19-6-16.2 (deferred prosecution fees).
- (d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:
 - (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
 - (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
 - (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
 - (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
 - (5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).
- (e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

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- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

- (f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.
- (g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.2.

SECTION 15. IC 33-19-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state six million seven hundred four thousand two hundred fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

- (b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:
 - (1) the family violence and victim assistance fund established under IC 12-18-5-2 an amount equal to eleven and eight-hundredths percent (11.08%);
 - (2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to twenty-five and twenty-one hundredths percent (25.21%);
 - (3) the law enforcement academy building fund established under IC 5-2-1-13 an amount equal to three and fifty-two hundredths percent (3.52%);
 - (4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths percent (14.19%);
 - (5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths percent (16.50%);
 - (6) the motor vehicle highway account an amount equal to













twenty-six and ninety-five hundredths percent (26.95%);

- (7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths of one percent (0.32%); and
- (8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and twenty-three hundredths percent (2.23%);

of the amount transferred by the auditor of state under subsection (a).

- (c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state:
 - (1) after June 30, 2004, and before July 1, 2005, one million two seven hundred thousand dollars (\$1, 200,000) (\$1,700,000) for deposit into the public defense fund established under IC 33-9-14; and
 - (2) after June 30, 2005, two million two hundred thousand dollars (\$2,200,000).

SECTION 16. [EFFECTIVE JULY 1, 2004] (a) In addition to a small claims costs fee and small claims service fee collected under IC 33-19-5-5, as in effect on July 1, 2004, the circuit court clerk shall collect a judicial administration fee under IC 33-19-6-19.2, as added by this act, if the judicial administration fee is required to be collected under IC 33-19-6.

(b) This SECTION expires July 1, 2005.

SECTION 17. [EFFECTIVE JULY 1, 2004] (a) A circuit court clerk shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-18.

- (b) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.2.
 - (c) This SECTION expires July 1, 2005.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1436 as printed January 30, 2004.)

CRAWFORD











COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred House Bill 1436, begs leave to report that said bill has been amended as directed.

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